

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROCHE DIAGNOSTICS GMBH,

and

ROCHE DIAGNOSTICS CORPORATION,

Opposers,

v.

MEDLINE INDUSTRIES, INC.,

Applicant.

Proceeding No. 150,863



03-29-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #73

**MOTION WITH CONSENT FOR EXTENSION
OF TIME TO ANSWER OR OTHERWISE PLEAD**

Medline Industries, Inc., with the consent of the opposers, Roche Diagnostics GMBH and Roche Diagnostics Corporation, hereby requests a thirty (30) day extension of time to answer or otherwise plead to the Notice of Opposition in the above matter, to **May 3, 2002**.

This extension is requested to allow the parties additional time to attempt to negotiate a settlement that may resolve the opposition.

Counsel for Roche Diagnostics GMBH and Roche Diagnostics Corporation, Gerald W. Roberts, consented to this extension in a telephone conversation on March 28, 2002.

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON

By:

Jennifer E. Berner

Janet A. Marvel

Jennifer E. Berner

311 South Wacker Drive

Suite 5000

Chicago, IL 60606

(312) 554-8000

Attorneys For Applicant

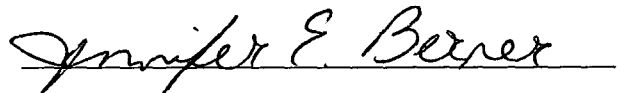
CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.110
"Express Mail" Mailing Label No. EL 930525766 US Date of Deposit: March 29, 2002

I hereby certify that the document to which this Certificate is affixed is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: BOX TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-4313 on the Date of Deposit shown above.

Patricia Aguirre

CERTIFICATE OF SERVICE

I, Jennifer E. Berner, attorney for Applicant, hereby certify that a copy of the foregoing MOTION WITH CONSENT FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD has been served upon Gerald W. Roberts, Esq., Bose McKinney & Evans LLP, 2700 First Indiana Plaza, 135 North Pennsylvania Street, Indianapolis, Indiana 46204 this 29th day of March, 2002 by first class mail, postage prepaid.

A handwritten signature in cursive script, reading "Jennifer E. Berner", is written over a horizontal line.

TTAB

PATTISHALL, McAULIFFE, NEWBURY, HILLIARD & GERALDSON

ATTORNEYS AT LAW

SUITE 5000

311 SOUTH WACKER DRIVE

CHICAGO, ILLINOIS 60606

(312) 554-8000

FACSIMILE
(312) 554-8015

www.pattishall.com

WASHINGTON, D.C. OFFICE

320 WATERGATE SIX HUNDRED

WASHINGTON, D.C. 20037

(202) 338-1300

FACSIMILE

WASHINGTON (202) 338-9349

JENNIFER E. BERNER

(312) 554-7977

jberner@pattishall.com

March 29, 2002

VIA EXPRESS MAIL

Assistant Commissioner for Trademarks

BOX TTAB/NO FEE

2900 Crystal Drive

Arlington, VA 22202-3513



03-29-2002

U.S. Patent & TMO/tm Mail Rpt Dt. #73

Re: ACCUCARE
Serial No.: 76/210,082
Proceeding No.: 150,863
Our Reference No.: 00786-00013

Dear Sir:

Enclosed please find:

1. An original and two copies of a Motion With Consent For Extension Of Time To Answer Or Otherwise Plead; and
2. A stamped, self-addressed postcard, which we request be stamped with the date of receipt and returned to us.

Sincerely,

Jennifer E. Berner

JEB:la

Enclosure